

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

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| In Re: |) | BK No.: 18-18593 |
| Anthony Roldan and Marlene Roldan |) | |
| |) | Chapter: 13 |
| |) | Honorable Timothy Barnes |
| |) | |
| Debtor(s) |) | |

SCHEDULING ORDER REGARDING SANCTIONS MOTION**IT IS HEREBY ORDERED:**

1. The Court will conduct a further status on this matter on October 11, 2018 at 11:00 a.m. (the "Status Hearing"). The Court will accept no evidence at the Status Hearing. At the Status Hearing, the Court will determine whether a combined hearing on the existence of a willful violation of the automatic stay, if any, and if such a violation exists, the amount of actual and punitive damages related to such violation (an "Evidentiary Hearing") is necessary.
2. To the extent it has not already done so, Debtors shall file and serve in the manner required by applicable law a statement (the "Debtors' Statement") of all evidence of the alleged willful violation of the automatic stay and all damages arising therefrom, including attorney's fees, no later than September 13, 2018. If it has not already provided such to the Court, Debtors' Statement must contain, at a minimum, declaration(s) sworn under penalty of perjury by Debtors and/or any other party on whose testimony Debtors will rely, attesting to all facts alleged in the Motion. Debtors' Statement will be deemed to comprise of all evidence regarding the Motion previously provided to the Court by the Debtors. If such evidence has been provided and satisfies the requirements of this paragraph and if Debtors wish to stand on that evidence, it need file nothing further. However, if Debtors fail to file and properly and timely serve the foregoing Debtors' Statement and has previously not provided the requisite information to the Court, such failure will result, without further notice, in the cancellation of the Status Hearing and the denial of the Motion by the Court with prejudice for failure to prosecute.
3. The City of Chicago ("Respondent") shall file and serve in the manner required by applicable law its legal response to the Motion (the "Response"), if any, and its evidentiary statement in response (the "Respondent's Statement"), if any, to the Debtors' Statement on or before September 27, 2018. Respondent's Statement must contain all evidence Respondent intends to present in its defense at the Evidentiary Hearing and include, to the extent oral testimony is desired by a witness in support of Respondent, a sworn declaration from such witness as to the issues on which such witness would testify. The Response and the Respondent's Statement may be filed together as a single document.
4. If Respondent wishes to have oral argument regarding the issues in the Motion, the Debtors' Statement, the Response, or the Respondent's Statement, the Respondent must so indicate in the Response. Failure to file and properly and timely serve the Response, or failure to request oral argument in the Response will constitute a waiver of oral argument by Respondent.
5. If Respondent fails to timely file and properly serve the Respondent's Statement, or if Respondent's

Statement fails to challenge the evidentiary nature of the Debtors' Statement, the Debtors' Statement, if filed and properly served, will be deemed admitted, the matter will be deemed fully briefed, the evidentiary record will be deemed complete and no Evidentiary Hearing will be conducted. The Status Hearing will be deemed a date for argument (if properly preserved) and oral ruling on the Motion, Debtors' Statement and, if filed and properly served, the Response and/or Respondent's Statement.

6. The filing requirements and deadlines of this Scheduling Order shall not be altered except by further order of the Court upon a motion by one of the parties, which motion must be properly noticed, filed and served.

Enter:



Honorable Timothy A. Barnes

United States Bankruptcy Judge

Dated: August 30, 2018